IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Tr.P(C).No. 183 of 2007

OS.319/2004 OF MUNSIFF COURT,MUVATTUPUZHA
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PETITIONER

VARGHESE, S/O GEORGE,
CHAKKITTAPARAMBIL HOUSE,
KALAMPOOR KARA, PIRAVOM VILLAGE,
MUVATTUPUZHA, REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER GEORGE, S/O VARKEY, CHAKKITTAPARAMBIL
HOUSE, PIRAVOM VILLAGE, MUVATTUPUZHA.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:
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1. JOHN, S/O CHACKO,
PLATHOTTATIL HOUSE, KALAMPOOR KARA,
PIRAVOM VILLAGE, MUVATTUPUZHA.

2. GEORGE, S/O CHACKO, -DO- -DO-

3. THOMAS, S/O CHACKO, -DO- -DO-

4. ABRAHAM, S/O CHACKO, -DO- -DO-

5. VARGHESE, S/O CHACKO,
NJALIYATH HOUSE, KALAMPOOR KARA,
PIRAVOM VILLAGE, MUVATTUPUZHA.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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Tr.P.(C) No.183 OF 2007

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Dated this the 17th day of August 2007

JUDGMENT

This transfer petition is filed to transfer O.S.No.319 of 2004 pending before the Munsiff's Court, Muvattupuzha to any other Munsiff's Court for trial and disposal. The averment is that one of the parties involved in the suit is a bench clerk formerly attached to the Munsiff's Court, Muvattupuzha, who is presently working at Munsiff's Court at Perumbavoor. The grievance of the petitioner is that the bench clerk and the judicial officer of Muvattupuzha Munsiff's Court are very close and if the case is tried by him he will not get justice. Really, I am not going into the merits or demerits of this allegation. It is a settled principle that not only justice should be done it should be seemed to be done also. It can avoid causing unnecessary embarrassment to the judicial officer as well.

Therefore, I direct the Munsiff's Court, Muvattupuzha to transfer O.S.No.319 of 2004 to the Munsiff's Court at Kolencherry. If the bench clerk is transferred to Perumbavoor on the ground of pendency of the litigation, it is left to the discretion of the District Judge to reconsider the

transfer.

Transfer petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE

Cdp/-